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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,988	08/12/2003	Hiroyuki Sugawara	450100-04709	6298

7590 04/18/2007
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NEW YORK, NY 10151

EXAMINER

OMOSEWO, OLUBUSOLA

ART UNIT	PAPER NUMBER
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2168

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/638,988	SUGAWARA ET AL.	
	Examiner	Art Unit	
	OLUBUSOLA ONI	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed December 12, 2006 has been entered. Claims 1 – 6 are pending. Claim 1 has been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claim1 is rejected under 35 U.S.C. 102(e) as being anticipated by David Chou (Pub. No U.S 2003/0004984) hereinafter "David".

For claim 1 David teaches data storage system having a plurality of terminal apparatuses of users connected with a data storage unit of a service provider via a computer network" (See paragraph [0020]), said data storage unit storing data from inside said terminal apparatuses so that the stored data are subsequently used by said users (See paragraph [0030]), said data storage unit comprising:

"connecting means for connecting said data storage unit of said service provider with one or more terminal apparatuses associated with each of said users via said computer network independently of types of said terminal apparatuses (See paragraph [0022], [0024-0025]);

"file storing means for allocating to each one of said users a user area of a predetermined size in which to store data from inside the respective terminal apparatus of a user in question" (See paragraph [0020]);

"file managing means for managing the data being stored in said file storing means (See paragraph [0030]);

"data format converting means for automatically determining the type of terminal apparatus of a user other than the user in question and for performing a data format converting process"(See paragraph [0028-0029], [0044])

"wherein, in response to a use request from any user other than the user in question, said data format converting means automatically converts stored data of the user in question into a format compatible with the type of the terminal apparatus used by the user other than the user in question for connection to the system, the converted data

being used by said terminal apparatus through which said user other than the user in question has sent said use request".(See paragraph [0020-0025]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over David in view of Deepak Puri (Pub No. US 2001/0037241) hereinafter "Puri".

For claim 2, this claim is rejected on grounds corresponding to the argument give above for rejected claim 1 above. David does not explicitly teach "data disclosure controlling means to enable each user to manage the conditions under which the respective stored data in said data storing means are allowed to be used" and "wherein said data disclosure controlling means enables the data for which said use conditions have been

set by each user to be used by users other than the user who stored the data in question into said data storing means”.

However, Puri teaches “data disclosure controlling means for managing use conditions under which said stored data in said data storing means are allowed to be used” (See paragraph [0039]) and “wherein said data disclosure controlling means enables the data for which said use conditions have been set to be used by users other than the user who stored the data in question into said data storing means” (See paragraph [0040]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify David by teachings of Puri. Puri’s system is unique in that not all users require a user name and password to access the data storage, but entering a username and password would help identify whether or not the user is a specific type of user.

For claim 3 this claim is rejected on grounds corresponding to the argument give above for rejected claim 2 above. David does not explicitly teach “announcing means for announcing that the data for which said use conditions have been set are usable by the users other than said user who stored the data in question into said data storing means”.

However, Puri teaches “announcing means for announcing that the data for which said use conditions have been set are usable by the users other than said user who stored the data in question into said data storing means” (See paragraph [0075, 0100]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify David with the teachings of Puri, because the announcing means works as a matching base that matches a potential buyer with a seller.

For claim 4, this claim is rejected on grounds corresponding to the argument give above for rejected claim 3 above. David does not explicitly teach "wherein said announcing means makes the announcement to a specific user other than said user who stored the data in question into said data storing means".

However, Puri teaches "wherein said announcing means makes the announcement to a specific user other than said user who stored the data in question into said data storing means" (See paragraph [0114]).

For claim 5, this claim is rejected on grounds corresponding to the argument give above for rejected claim 3 above. David does not explicitly teach "means for establishing either in response to a request from another user before said announcement, or after said announcement".

However, Puri teaches "means for establishing either in response to a request from another user before said announcement, or after said announcement"(See paragraph [0076])

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify David by teachings of Puri, wherein Puri's teachings included finding a potential buyer and contacting the buyer, without the matching process.

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For claim 6 this claim is rejected on grounds corresponding to the argument give above for rejected claim above. David does not explicitly teach "recording means for recording settings of said use conditions and a history of uses by the other users of the data for which said use condition have been set".

However, Puri teaches "recording means for recording settings of said use conditions and a history of uses by the other users of the data for which said use condition have been set" (See paragraph [0039-0041]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify David by the teachings of Puri, because obtaining a user name and password through registration would have included the need to enter varied information which becomes the users profile, likewise the history or interest of a user may be based on relevant data enter by the user.

Response to Arguments

6. Applicant 's arguments filed December 12, 2006 been fully considered but they are not persuasive. The examiner respectfully transverse applicant's argument.

As per claim 1, applicant argued David does not teach "data format converting means for automatically determining the type of terminal apparatus of a user other than the user in question and for performing a data format converting process".

On the contrary at paragraph 0028-0029 & 0044 David's teachings includes a personal profile or personalized content webpage, wherein contents to be shown on mobile devices could be edited/updated by an editor (user in question) or automatically edited/updated. However, when a user access the web content with any mobile device, the content format is been transcoded from a first language (HTML or Chtml) into secondary language (WML, cHTML, PDX or other formats) depending on the mobile device (terminal apparatus). The system can pre-define output parameters. Therefore applicants invention functions the same way as David's i.e. applicants argument on page 6 of the remarks; pages of the user in question been transcoded based on the terminal apparatus of a second user is synonymous to David's teachings of the editor's content been transcoded based on the mobile device (terminal apparatus).

"wherein, in response to a use request from any user other than the user in question, said data format converting means automatically converts stored data of the user in question into a format compatible with the type of the terminal apparatus used by the user other than the user in question for connection to the system, the converted data being used by said terminal apparatus through which said user other than the user in question has sent said use request". On the contrary David's teachings includes a user requesting an html page which was written by another user, and the request can be outputted to the users PC or mobile device, to fit the screen of the device used to request the page. (See paragraph [0020-0025]). Likewise at paragraph 0029 David teaches contents to be shown on mobile devices could be edited/updated by an editor

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(user in question) or automatically edited/ updated. However, the content will be transcoded from a first language (HTML or cHTML) into secondary language (WML, cHTML, PDX or other formats) depending on the mobile device (terminal apparatus) used to request the content by the user (second user). Thus applicant's invention functions the same way as David's: the system allows not only the editor into the system but also other users to use the contents of the editor (user in question). The other users (second user) mobile device (terminal apparatus) is automatically determined by the present system and the content are converted/transcoded into a format compatible with the mobile device for connecting to the system. Thus, the claimed invention is not distinct over the prior art of David as argued by the applicant.

CONCLUSION

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-2738. The examiner can normally be reached on 10.00-6.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OLUBUSOLA ONI
Examiner
Art Unit 2168

KBP



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